

JAMES ELVES,)
)
Plaintiff,)
)
v.) No. 4:04CV1671 TIA
)
GARY KEMPKER, et al.,)
)
Defendants.)

This cause is before the Court, sua sponte, upon review of the file.

Because it does not appear that service of the Amended Complaint has been timely made within 120 days after the filing of the Amended Complaint, Plaintiff shall show cause as set forth below why this action should not be dismissed without prejudice as to Defendant Jacques Lamour. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the Plaintiff, is directed to dismiss an action against a Defendant upon whom service has not been made within 120 days after the filing of the complaint. In light of the status of the proceedings in this cause,

IT IS HEREBY ORDERED, pursuant to Fed. R. Civ. P. 4(m), that Plaintiff shall show cause in writing, within fourteen days of the date of this order, why this action should not be dismissed without prejudice as to Defendant Jacques Lamour for lack of timely service. Failure to comply with this directive may result in dismissal of the Complaint without prejudice.

Dated this 6th day of April, 2006.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE